IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 775 of 2006 (M/B)

1. Abhinandan Agrawal S/o Sri Deep Chand,
   R/o Village Dohari Vakeel, Kundeshwari,
   Thana & Tehsil Kahispur,
   District Udham Singh Nagar.
2. Guru Charan Singh S/o Sri Jogendra Singh,
   R/o Village Dohari Vakeel, Kundeshwari,
   Thana & Tehsil Kahispur,
   District Udham Singh Nagar.
3. Marendra Singh S/o Sri Jeet Singh.
   R/o Village Dohari Vakeel, Kundeshwari,
   Thana & Tehsil Kashipur,
   District Udham Singh Nagar.
4. Swatantra Kumar Alias Hariom,
   S/o Sri Vishnu Kumar,
   R/o Village Pachchawala,
   Thana Kashipur,
   District Udham Singh Nagar. ..... Petitioners

Versus

1. State of Uttaranchal,
   through Investigating Officer of Case Crime No. 255/2006,
   Police Station Kashipur,
   District Udham Singh Nagar.
2. Lalita Prasad, Lekhpal,
   Kshetra Gangapur Gusai, Tehsil Kahispur,
   District Udham Singh Nagar. ..... Respondents

Mr. N.C. Gupta, Advocate for the petitioners.
Mr. H.C. Pande, Addl. Government Advocate for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. N.C. Gupta, Advocate for the petitioners.

Mr. H.C. Pande, Addl. Government Advocate for the respondents.

They are heard on admission.

2. The Petitioners have filed this writ petition for the following reliefs:

> "(1) Issue a writ of certiorari or any writ, order or direction commanding the respondents to quash the FIR contained as Annexure-1 to the writ petition.
>
> (II) Issue a writ of certiorari or any writ, order or direction commanding the respondents not to arrest the petitioners till creditable material or evidences against the petitioner by the independents investigating agency like CBI.
>
> (III) Issue a writ of certiorari or any writ, order or direction commanding the respondents to investigate the matter by any independents investigating agency like CBI.
>
> (IV) Issue any other writ order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> (V) Award cost of the petition to the petitioners."

3. The petitioners are apprehending their arrest for their alleged involvement in Crime No. 255 of 2006 registered at Police Outpost Kundeshwari, Police Station Kashipur, District Udham Singh Nagar for the alleged commission of the offences punishable under Sections 147, 353 and 447 of the I.P.C.

4. According to the First Information Report, the petitioners and their co-accused persons are alleged to have attempted to violate the status quo order passed by the Apex Court in SLP No. 841 of 2006.

5. On due consideration of the submissions of the learned counsel for the parties and allegations against the petitioners in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioners in the writ petition.

6. The writ petition, therefore, is liable to be dismissed summarily.

7. However, we deem it proper to direct that in the event of arrest of petitioners Abhinandan Agarwal, Guru Charan Singh, Mahendra

Singh and Swatantra Kumar @ Hariom by the police or their surrender before the court concerned, their bail petition shall be taken up for hearing in accordance with law without any undue delay.

8. With the above observation, the writ petition stands disposed of.

9. With the above order, CLMA Nos. 8177 of 2006 and 8178 of 2006 also stand disposed of.

(Prafulla C. Pant, J.) 04.07.2006

(Rajeev Gupta, C. J.) 04.07.2006

G